

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
NINETY-FIRST SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
VAN BENTHUYSEN & SONS' STEAM PRINTING HOUSE.
1868.

hereby declared to constitute the trustees of said corporation, with all the powers and duties pertaining to the same.

§ 4. This act shall take effect immediately.

Chap. 243.

AN ACT to incorporate the Gouverneur Water Works Company.

Passed April 17, 1868.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles Anthony, Augustus E. Norton, Edwin Dodge, Peter Van Buren, Stephen B. Van Duzee, Lyman Litchfield and Charles E. Clark, and all such persons as are or may be hereafter associated with them, shall be and are hereby constituted a body corporate, by the name of the Gouverneur Water Works Company.

Corporators.

Corporate name.

§ 2. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of one hundred dollars each; but may, at any time, be increased by the directors, whenever thereunto authorized by a vote of the stockholders owning two-thirds of the capital stock, at any meeting called for that purpose, in the same manner as annual elections; provided that such capital stock shall not be increased so as to exceed thirty thousand dollars.

Capital stock; how to be increased.

§ 3. The books of subscription to the capital stock of said company shall be opened, under the direction of the corporators hereinbefore named, and subject to such rules as they may prescribe; and the stock of said company shall be considered personal property, and shall be assignable and transferable on the books of the company.

Subscription books to stock.

Stock to be personal property.

§ 4. The business of said company shall be managed by seven directors, who shall be stockholders and residents of the village of Gouverneur, and who shall hold their offices for one year, and until others are chosen in their places. The annual election of directors shall be held on the first Monday of August in each year, at

Board of directors.

Annual election

such place in the village of Gouverneur, at such hour of the day as the directors, for the time being, shall appoint. Notice of every election shall be published once in each week for three weeks immediately preceding such election, in a newspaper published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her at the time of, and which shall have been held by him or her for thirty days next previous to such election. The election shall be by ballot, and votes may be given either in person or by proxy.

Notice of election to be published.

Rights of stockholders at election.

First directors and term of office.

Vacancies; how filled.

Inspectors of election.

§ 5. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Monday of August, in the year one thousand eight hundred and sixty-eight, and until others are chosen in their places. In case of a vacancy in the direction, by reason of the death or resignation of any director, or by his ceasing to be a stockholder, or by his removal from the village of Gouverneur, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election; after which the stockholders shall choose three such inspectors at the annual elections. If no inspectors are so chosen, the directors may appoint them from time to time. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not, for that reason, be dissolved; but an election may be held on any other day, in such manner as shall be provided for by the by-laws, or shall be prescribed by the directors.

Directors may require payment of subscriptions.

Notice of payments to be published.

§ 6. The directors may require payment of subscriptions to the stock at such times and in such proportions as they shall see fit, under the penalty of forfeiting all stock and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of such payments shall be published for four weeks next previous to the time so fixed, at least once in each week, in a newspaper published in the village of Gouverneur.

Officers.

§ 7. The directors shall annually appoint a president,

a secretary and treasurer, and such other officers and agents as they shall, from time to time, deem necessary, and may remove all officers appointed by them and appoint others in their places, and fill all vacancies in the offices; and they may make and ordain such by-laws, rules and regulations as they may deem necessary and proper, for the management of their business and for accomplishing the purposes of the corporation.

Directors
may re-
move offi-
cers.
By-laws.

§ 8. For the purpose of supplying the village of Gouverneur with pure and wholesome water, the said company may purchase, take and hold any real estate, and by their directors, agents, servants or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take such water from any lake, springs, ponds or streams, as may be determined by the board of directors of the corporation hereby created, and divert and convey the same to said village, and may lay, construct, alter and repair any pipes, conduits, aqueducts, wells, reservoirs or other works, pumps or machinery, necessary or proper for such purpose, upon lands so entered upon, purchased, taken or held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to convey the water from said lake, springs, ponds, streams, wells and reservoirs, and lay, construct, alter, repair and replace any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, lanes, roads and public squares in the same condition, as nearly as may be, as they were before said entry; but the said company shall not lay and conduct said pipes, conduits, and other works through any private garden, court yard or building lot, without the written consent of the owner thereof.

Company
may hold
real estate.

May lay
water
pipes.

May enter
upon lands

§ 9. Before entering, taking or using any land or water for the purpose of this act, the directors of this company shall cause a survey and maps to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant intended to be taken and used shall be designated, and which map shall be signed by the engineer making the same, and by the president of said

Survey and
maps of
land to be
made.

company, and be filed in the office of the clerk of St. Lawrence county. The company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making any examination, and of making said survey and map, doing no unnecessary damage.

Company may acquire lands.

Commissioners to appraise damages.

Notice to resident owners of land.

Notice to guardians, non-residents, etc.

Report of commissioners

§ 10. In case the company cannot agree with the owners and occupants of any lands or water intended to be taken or used, as aforesaid, for the purchase thereof, the directors may apply to the county court of the county of St. Lawrence, for the appointment of three commissioners, by whom the compensation to be paid for damages suffered or to be suffered by any person or persons, by reason of taking said lands and water, and constructing any of the works of said company, shall be ascertained and determined; and in case of death, resignation, refusal or disability to act, of any of said commissioners the said court may appoint others in their places. The said commissioners shall cause notice, of at least twenty days, of the time and place of their meeting, to be served upon such of the owners of said land and water as reside in this State, which may be served personally, or, in their absence from their dwellings or places of business, by leaving the same thereat with some person of suitable age; and in case of any legal disability of such owner to act thereupon, serving notice in like manner upon his or her guardian or person appointed to act for him or her, as hereafter directed; and in case any of said owners do not reside in this State, such notice shall be given them by publishing the same for four weeks successively, next preceding the time of meeting, in a newspaper published in said village; and if any of said owners shall be married women, insane, infants or idiots, the court shall appoint some suitable person to attend in their behalf before said commissioners, and take care of their interest in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and may administer the usual oath to such witnesses. They shall make a written report of all their proceedings, within ten days after the hearing before them, showing the sum awarded to each owner or any other persons, and return the same to the said court, to be filed on record in the St. Lawrence county

clerk's office. The company shall pay to each commissioner the sum of two dollars per day for each day necessarily spent by him in the performance of his duties under this act ; and to each witness sworn and testifying, whom the commissioners shall certify were properly subpoenaed, the same fees as are allowed in courts of record.

Compensation.

§. 11. The said company, or any party to the proceedings, may appeal from any award or determination, providing the party appealing shall, within ten days after such award or determination shall be made, serve notice of such appeal upon the parties interested in such award or determination ; the said court shall, upon the report of the commissioners and upon the additional testimony to be taken by them, if the court deems the same to be necessary, proceed to hear said appeals, and may confirm the proceedings of the commissioners in whole or in part, or may increase or diminish the amount of compensation awarded by the said commissioners, and if their proceedings in any case have been irregular, the court may set the same aside and order new proceedings and appraisal ; and the said court may make such orders, in reference to the proceedings of the commissioners, and of the notices to be given to parties, as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

Appeals.

§ 12. Upon the payment, or legal tender of the compensation awarded by the said commissioners, or (in case of appeal), by the said court, the company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered, as aforesaid, to hold and use the same for said purposes, to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, does not reside in this State, or shall refuse the sum awarded him, then such payment may be made by depositing the same to the credit of said person, in such bank as may be designated by said court. If any person to whom compensation is awarded, or who is entitled to receive the same, as aforesaid, be under legal disability, as aforesaid, pay-

When company shall be entitled to enter upon lands.

Payment and tender of awards.

ment may be made to his guardian or person appointed as aforesaid by said court, and if said guardian or person appointed cannot be found by them, by depositing in bank as aforesaid.

Company may hold lands, water, etc.

§ 13. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon, and take or purchase by virtue hereof, to them and their successors forever.

Regulations to be observed in laying pipes, etc.

§ 14. In laying pipes, conduits, or aqueducts, or constructing or erecting works in the streets, lands or public squares of the village of Gouverneur, the company shall conform to such reasonable regulations as the trustees of said village shall prescribe.

Rules and regulations for use of water.

§ 15. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, as far as respects the preservation and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed ten dollars, which penalties may be recovered with costs, in the name of the company, before any justice of the peace of the town of Gouverneur. Said rules and regulations shall be published for two weeks successively, in a newspaper published in the said village, and a copy of said rules and regulations, certified by the president of the company, with affidavits of the publication of the same, made by any one of the publishers of said paper, shall be received in evidence in all courts and places.

Penalties for violation thereof.

Rules and regulations to be published.

Company shall furnish water to village for fire department, etc.

§ 16. The said company may furnish water to the village of Gouverneur for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the trustees of said village; and the said trustees are hereby authorized to contract with said company for water for the purpose of extinguishing fires, constructing hydrants, fountains, and furnishing public buildings, and to levy and assess the costs thereof, annually, upon the taxable property of said village, by general tax. In case the directors and such trustees cannot agree on such terms, said directors or trustees

Village tax.

In what case commissioners

may apply to the county judge of the county of St. Lawrence, or a judge of the supreme court, upon a notice of ten days to the other party, for the appointment of three commissioners, who shall prescribe the terms upon which such water shall be furnished, and such company shall furnish water upon the terms so prescribed for the period of two years, at the expiration of which time a new commission may be applied for by the trustees or directors, in their discretion, and thereafter once in two years a like application may be made. And the said company may make any agreements, contracts, grants and leases for the sale, use and distribution of water that may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

to be appointed to prescribe terms upon which water shall be furnished.

§ 17. Any person who shall willfully or maliciously destroy or injure any of the works or property of said company shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to the company treble damages sustained thereby, to be recovered in any court having cognizance thereof, with costs.

Injury to water works; how punished.

§ 18. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable, and not otherwise provided for in this act.

General powers and provisions.

§ 19. The stockholders of the company hereby created shall be individually liable for the payment of the debts of said company, equal to the amount of stock held by them respectively, and any stockholder who may have paid any demands against said company, either voluntarily or by compulsion, shall have a right to resort to the stockholders who were liable to contribution. No suit shall be brought against any stockholder until an execution against the company shall be returned unsatisfied, in whole or in part. Every contract to be made under this act by said company, shall be in writing.

Individual liability.

Contracts to be in writing.

§ 20. No person holding stock in said company as

Liability of

executors,
guardians,
etc.

executor, administrator, guardian or trustee, and no person holding such stock, as collateral security, shall be personally liable as stockholder of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been if he had been living and competent to act, and held the stock in his own name.

Increase of
capital
stock.

§ 21. If the directors shall, at any time after the organization of said company, determine to increase the capital stock, as herein provided, the said new stock shall be divided among the stockholders in proportion to the amount held by them respectively at the time of such increase, as they shall severally elect; and in case the same shall not be so distributed, then books of subscription for the balance of said additional stock shall be opened in the manner as provided in section three of this act, and the directors may require payment of the subscription to the said additional stock in the same manner as provided in section six of this act.

Corpora-
tion may
borrow
money and
issue
bonds.

§ 22. The said corporation may borrow such sum or sums of money as may be necessary to complete said work, and for other purposes authorized by this act, in the whole not to exceed the amount of the capital stock actually paid in and expended, and for that purpose, may issue and dispose of their bonds for any amount so borrowed; and the company is hereby authorized to mortgage any or all of their corporate property or privileges to secure the payment of such bonds; and the said directors may confer on the holder of any bond they may issue for any money so borrowed, the right to convert the principal due thereon in stock of the said corporation at any time, not exceeding five years from the date of said bond, under such regulations as the directors may see fit to adopt; and for such purpose the said corporation are authorized to increase its capital stock to the amount so borrowed, whenever the persons or any of them to whom such money is due, shall elect to convert the same into stock; but nothing herein contained

shall be construed to authorize any increase of the capital stock of said company beyond the sum of thirty thousand dollars.

§ 23. This act shall take effect immediately.

Chap. 244.

AN ACT to amend an act entitled "An act to incorporate the Cohoes Savings Bank," passed April eleventh, eighteen hundred and fifty-one.

Passed April 17, 1868.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sixth section of the act entitled "An act to incorporate the Cohoes Savings Bank," passed April eleventh, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums as may be, from time to time, offered therefor by tradesmen, clerks, mechanics, laborers, minors, servants and others, and investing the same in the securities or stocks of this State, or of the United States, or in the stocks or bonds of any city, or of the village of Cohoes, authorized to be issued by the Legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives ; and the said corporation shall receive as deposits from persons of the description above mentioned, all sums of money which may be offered; but no larger sum than five thousand dollars shall be received from one individual, for the purpose of being invested as aforesaid, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositors when required, at such times, and with such interest, - and under such regulations as the board of trustees shall, from time to time, prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be

Business
and ob-
jects.

Deposits ;
how to be
invested.

Limitation
of deposits
by one per-
son.

Regula-
tions.